

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Richard S. Nadal, Jr.**

**Docket No. 5:08-M-1160-1**

**Petition for Action on Probation**

COMES NOW Eddie J. Smith, probation officer of the court, presenting a petition for modification of the Judgment of Richard S. Nadal, Jr., who, upon an earlier plea of guilty to 18 §U.S.C. 13, assimilating N.C.G.S. 20-138.1, Driving While Impaired (level 5), was sentenced by the Honorable William A. Webb, U.S. Magistrate Judge, on July 8, 2008, to a 12-month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 24 hours of community service during the first 90 days of probation as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
3. It is further ordered that the defendant shall participate in any other Alcohol/Drug Rehabilitation and Education program as directed by the U.S. Probation Office.
4. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until his privilege to do so is restored in accordance with law.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On October 13, 2008, the defendant was charged on Fort Bragg with the offense of Speeding 80/55. The defendant reports he had repaired his vehicle and was taking it for a test drive. Nadal admits to operating a motor vehicle in violation of this court order. To provide a punitive sanction for this conduct and hopefully to deter additional driving charges, we are recommending that the defendant be required to serve two days in jail.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

/s/ Eddie J. Smith  
Eddie J. Smith  
U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: October 20, 2008

**ORDER OF COURT**

Considered and ordered this 23<sup>rd</sup> day of October, 2008, and ordered filed and made a part of the records in the above case.

  
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William A. Webb  
U.S. Magistrate Judge

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**FOR JUDGE'S REVIEW ONLY**

**DO NOT FILE**



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